STATE OF NEW YORK

2138

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. COLTON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting child sex offenders from possessing images of their victims

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding a new section 263.35 to read as follows:

§ 263.35 Criminal possession of an image of a minor victim.

A person is guilty of criminal possession of an image of a minor victim when he or she:

1. has been convicted of a sex offense as defined in subdivision two or three of section one hundred sixty-eight-a of the correction law, where the victim of such offense was a minor, and such person has possession of one or more images, recordings, or any other depictions of the victim or victims of such sex offense; or

2. knowingly disseminates to a person convicted of a sex offense as defined in subdivision two or three of section one hundred sixty-eight-a of the correction law, where the victim of such offense was a minor, one or more images, recordings, or any other depictions of the victim or victims of such sex offense.

Criminal possession of an image of a minor victim is a class E felony.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05658-01-3